

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

S2 17 Cr. 686 (LAK)

James Gatto,
Merl Code, and
Christian Dawkins,

Defendants.

Recorded Conversation
708-314-3402

Date: August 11, 2016
Time: 4:50:19 PM
Session Number: 733
Participants: Merl Code
James Gatto

(U/I) - UNINTELLIGIBLE
(PH) - PHONETIC SPELLING

GOVERNMENT
EXHIBIT
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S2 17 Cr. 686 (LAK)

1 CODE: What's going on, brother?

2 GATTO: Yeah, sorry.

3 CODE: No. So, here's the deal. Kid -- there's a
4 kid named Nassir Little who's top --

5 GATTO: Right.

6 CODE: -- five or six in the country who Larranaga
7 and those guys really want. The problem is,
8 Arizona's offered the kid 150, and we're
9 trying to keep him from going to one of their
10 schools. So, it was brought to me through
11 Brad and Christian, who said, hey, do you
12 think Jim would be able to keep him at Miami,
13 because they really want the kid. And I
14 said, I don't know the answer to that. I'll
15 have to ask Jim if he's willing to do that.
16 I don't know how, and what, and where, and,
17 you know, why, and blah, blah, blah.

18 GATTO: He's got --

19 CODE: He's --

20 GATTO: -- he's got -- he's, he's going to be a
21 senior, right?

22 CODE: Yes. He's, he's a rising senior.

23 GATTO: So this will be '18. When would they need the
24 money?

25 CODE: Uh, again, it doesn't have to be all in one

1 lump sum. I can, I can make it work if
2 you're saying you'll do it. I can tell them
3 that, you know, its installments, and we'll
4 figure out how to get it to you, when, where,
5 how, blah, blah, blah. So, just, I mean, I
6 know you have some, some uh -- and he's not
7 committing tomorrow, right? So, it's not one
8 of those where I need an answer today, you
9 know what I'm saying? I just wanted to put
10 it on your plate, because, like I told you,
11 TJ was inserting himself into the
12 conversation. And that's okay. I love TJ.
13 I'm just saying that they don't know him
14 enough to do it --

15 GATTO: Right.

16 CODE: -- and they weren't really comfortable with
17 it. And I just said, well, I'll have a
18 conversation with Jim, and if he wants to do
19 it, then I'll deal with it; and if not, then,
20 you know --

21 GATTO: Did they, did they bring any of that up to --
22 does Rivers know anything about it?

23 CODE: I don't know. I don't know.

24 GATTO: All right.

25 CODE: I mean, but it would help, it would help us,

1 it would help us dramatically if Rivs got
2 the, the team deal, because they weren't --
3 they didn't get any money this year, like
4 none.

5 GATTO: Yeah. Rivs told me that he was, because I
6 had asked him. He said he was going to give
7 them 50 or something next year.

8 CODE: Okay. Well, if that's the case, then, yeah,
9 it helps us tremendously --

10 GATTO: That's --

11 CODE: -- get it done, because, I mean, I can -- if
12 he's getting 50, and we're going to get the
13 kid, you know, whatever it is he's looking
14 for, if we can match the Arizona deal, then
15 okay, great. Then he's set.

16 GATTO: Do we have to match the Arizona deal?

17 CODE: I don't know if we have to match it, but I
18 can have that conversation.

19 GATTO: All right. All right.

20 CODE: Okay?

21 GATTO: Well, let me talk to Rivers on some things
22 and then, you know, obviously, like you said,
23 we don't need an answer today, but, I mean,
24 if I, if I have to pay it out in '18, that's
25 fine. I just, you know --

1 CODE: Yeah. I mean, I can -- we can, we can push
2 it into '18 if we do it. I mean, you know,
3 like what we're doing in the other situation
4 where we're -- you know, if we do 25, or 30,
5 or something, in, in '17, and then we push
6 the rest of it into '18, I don't see that
7 being an issue. Like, it shouldn't be a
8 problem.

9 GATTO: Yeah. I just don't know if I, I just don't
10 know if I can do anything in '17. That's
11 what I'm saying. The --

12 CODE: Sure.

13 GATTO: January of '18 is -- you know, I could do it
14 all, you know, with January; and then, you
15 know, June; and then --

16 CODE: We --

17 GATTO: -- when he gets on campus.

18 CODE: That's fine. And we can --

19 GATTO: Is that --

20 CODE: -- and we can, and we can protect ourselves
21 by saying, look, if the kid commits in, if
22 the kid commits in January, we'll start it
23 then.

24 GATTO: Right.

25 CODE: Like, I can, I mean --

1 GATTO: Right.

2 CODE: -- I can finagle it. You just talk to
3 Rivers, and hit me back, and let me know kind
4 of what, what you, what you, what you think
5 is the best course of action. And then, I'll
6 see what, what I can do with the numbers.

7 GATTO: Yeah. Just try, try to get it to - what did we do
8 with Bowen? 100?

9 CODE: Yep.

10 GATTO: Yeah.

11 CODE: I don't know if they'll take -

12 GATTO: (U/I).

13 CODE: I, I don't, I don't know if they'll take that
14 much less, but if I can take it down at least
15 25, then probably.

16 GATTO: Alright. Well, let's just see.

17 CODE: Okay. I'll --

18 GATTO: So, Christian, how's Christian --

19 CODE: -- I'll have that conversation.

20 GATTO: So, how's Christian involved?

21 CODE: So, Christian and Brad have a longstanding
22 relationship. Christian is the guy who
23 introduced me to Brad when he had the kid.

24 GATTO: Okay. I got it.

25 CODE: So, so, that's his dude, and that's, that's

1 why this whole TJ thing kind of spooked him,
2 because he was like, listen, I like TJ, but I
3 don't really want TJ handling anything I've
4 got my hands on. I said, well, again, that's
5 a conversation I need to have with Gatto.
6 GATTO: Alright.
7 CODE: You know.
8 GATTO: It's nothing against TJ. He's comfortable,
9 you know, talking to, talking to you, so --
10 CODE: Um-hum, um-hum.
11 GATTO: I just gotta tell TJ that. Which I will --
12 CODE: Yeah.
13 GATTO: -- once I figure everything out.
14 CODE: Okay. You -- When are you, when are you,
15 when are you heading off -- you're on a
16 family vacation now, so I'm going to leave
17 you alone, so I'll talk to you next week.
18 GATTO: No, no, I'm fine. Yeah, I mean, I'll check
19 it, yeah. I'll, I'll figure it out by early,
20 early next week.
21 CODE: Okay. All right, cool. Well, enjoy the
22 family. Okay, man.
23 GATTO: All right. Thank you.
24 CODE: All right. Thank you.
25 [End of recording.]